

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 Ronald J. Allison,

5 Plaintiff,

6 v.

7 LVMPD Officers,

8 Defendants.

Case No. 2:22-cv-00524-APG-BNW

9
10 **ORDER**

11 *Pro se* Plaintiff Ronald J. Allison brings this lawsuit and moves to proceed *in forma*
12 *pauperis* (IFP). See ECF No. 1. Plaintiff submitted the affidavit required by 28 U.S.C. § 1915(a)
13 showing an inability to prepay fees or costs or give security for them. Accordingly, the Court will
14 grant his request to proceed *in forma pauperis*. The Court now screens Plaintiff's complaint.

15 **I. ANALYSIS**

16 **A. Screening standard**

17 Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint
18 under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims
19 and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be
20 granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.
21 § 1915(e)(2). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard
22 for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668
23 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain sufficient
24 factual matter, accepted as true, to state a claim to relief that is plausible on its face." See *Ashcroft*
25 *v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes *pro se* complaints and may only
26 dismiss them "if it appears beyond doubt that the plaintiff can prove no set of facts in support of
27 his claim which would entitle him to relief." *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir.
28 2014) (*quoting Iqbal*, 556 U.S. at 678).

1 In considering whether the complaint is sufficient to state a claim, all allegations of
2 material fact are taken as true and construed in the light most favorable to the plaintiff. *Wylar*
3 *Summit P'ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted).
4 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff
5 must provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S.
6 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.*
7 Unless it is clear the complaint's deficiencies could not be cured through amendment, a *pro se*
8 plaintiff should be given leave to amend the complaint with notice regarding the complaint's
9 deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

10 **B. Screening the complaint**

11 Plaintiff's complaint does not contain sufficient information for the Court to assess
12 whether he can state a claim. Plaintiff's complaint contains only a few factual allegations. *See*
13 ECF No. 1-1. Plaintiff alleges that he was arrested by unnamed Las Vegas Metropolitan Police
14 Department ("LVMPD") officers on June 8, 2021. *Id.* at 3, 4. The officers then "slandered"
15 Plaintiff to the media, denying Plaintiff the right to a fair trial. *See id.* However, Plaintiff also
16 alleges that the charges for which he was arrested were dropped. *See id.* at 4. As a result of these
17 bare and seemingly conflicting allegations, Plaintiff seeks to have his charges dismissed, millions
18 of dollars in damages, and a written apology. *Id.* at 9.

19 Even liberally construing Plaintiff's complaint, it does not contain sufficient factual
20 allegations for the Court to assess whether Plaintiff can state a claim. It is unclear to the Court
21 whether Plaintiff actually had a trial on the charges for which he was arrested or whether the
22 charges were dropped, as Plaintiff (1) alleges that he was denied the right to a fair trial; (2) alleges
23 that the charges were dropped; and (3) seeks to have the charges dismissed. *Id.* at 3, 4, 9.
24 Knowing whether Plaintiff had a trial (that he alleges was unfair) or whether the charges were
25 dropped (or whether Plaintiff is writing about different sets of charges, some being dropped and
26 some still pending) will impact the Court's analysis of whether Plaintiff can state a claim and
27 what type of claim he may be able to plead. Accordingly, the Court will dismiss Plaintiff's
28 complaint without prejudice and with leave to amend. To help Plaintiff file a properly formatted

1 complaint, the Court advises Plaintiff of the following requirements under the Federal Rules of
2 Civil Procedure.

3 First, Plaintiff is advised that he must specify which claims he is alleging against which
4 defendants. Although the Federal Rules of Civil Procedure adopt a flexible pleading policy,
5 Plaintiff still must give defendants fair notice of each of the claims he is alleging against each
6 defendant. Specifically, he must allege facts showing how each named defendant is involved and
7 the approximate dates of their involvement. Put another way, Plaintiff should tell the Court, in
8 plain language, what each defendant did to him and when. “While legal conclusions can provide
9 the framework of a complaint, they must be supported with factual allegations.” *Ashcroft v. Iqbal*,
10 556 U.S. 662, 679 (2009).

11 Second, Plaintiff’s amended complaint must be short and plain. The simpler and more
12 concise Plaintiff’s complaint, the easier it is for the Court to understand and screen it. The Federal
13 Rules also require this. Under Federal Rule of Civil Procedure 8, Plaintiff’s amended complaint
14 must contain “a short and plain statement of the claim showing that [Plaintiff] is entitled to
15 relief.” Fed. R. Civ. P. 8(a)(2). “Each allegation must be simple, concise, and direct.” Fed. R.
16 Civ. P. 8(d)(1). “A party must state its claims or defenses in numbered paragraphs, each limited
17 as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). “[E]ach claim
18 founded on a separate transaction or occurrence . . . must be stated in a separate count.” *Id.*

19 Third, Plaintiff may not raise multiple unrelated claims in a single lawsuit. The Federal
20 Rules of Civil Procedure do not permit a litigant to raise unrelated claims involving different
21 defendants in a single action. A basic lawsuit is a single claim against a single defendant. Federal
22 Rule of Civil Procedure 18(a) allows a plaintiff to add multiple claims to the lawsuit when those
23 claims are against the same defendant. Federal Rule of Civil Procedure 20(a) allows a plaintiff to
24 add multiple parties to a lawsuit where the right to relief arises out of the “same transaction,
25 occurrence, or series of transactions or occurrences.” Fed. R. Civ. P. 20(a)(2)(A). “However,
26 unrelated claims that involve different defendants must be brought in separate lawsuits.” *Bryant v.*
27 *Romero*, No. 1:12-CV-02074-DLB PC, 2013 WL 5923108, at *2 (E.D. Cal. Nov. 1, 2013) (citing
28

1 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007)). This rule is intended to avoid confusion,
 2 which arises out of bloated lawsuits.

3 Lastly, Plaintiff's amended complaint must be complete in and of itself. If Plaintiff
 4 chooses to file an amended complaint, he is advised that an amended complaint supersedes the
 5 original complaint and, thus, the amended complaint must be complete by itself. *See Hal Roach*
 6 *Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that
 7 "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading
 8 supersedes the original"); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012)
 9 (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such
 10 claims in a subsequent amended complaint to preserve them for appeal). Plaintiff's amended
 11 complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to
 12 pursue in this lawsuit. Moreover, Plaintiff must file his amended complaint on this Court's
 13 approved form, which the Clerk of Court will send Plaintiff.

14 **II. CONCLUSION**

15 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*
 16 *pauperis* (ECF No. 1) is GRANTED.


17 **IT IS FURTHER ORDERED** that the Clerk of Court must detach and separately file
 18 Plaintiff's complaint (ECF No. 1-1).

19 **IT IS FURTHER ORDERED** that Plaintiff's complaint is dismissed without prejudice.

20 **IT IS FURTHER ORDERED** that the Clerk of Court shall send Plaintiff a form
 21 complaint for prisoners.

22 **IT IS FURTHER ORDERED** that if Plaintiff wishes to file an amended complaint, he
 23 must do so by April 28, 2022. Failure to comply with this Order will result in a recommendation
 24 that this case be dismissed.

25
 26 DATED: March 28, 2022.

27 
 28 **BRENDA WEKSLER**
UNITED STATES MAGISTRATE JUDGE